

JEFFERSON B. SESSIONS III
United States Attorney General
ADAM L. BRAVERMAN
United States Attorney
MICHAEL G. WHEAT, CBN 118598
ERIC J. BESTE, CBN 226089
JANAKI S. GANDHI, CBN 272246
COLIN M. MCDONALD, CBN 286561
Special Attorneys to the Attorney General
United States Attorney's Office
880 Front Street, Room 6293
San Diego, CA 92101
Tel: 619-546-8437/6695/8817/9144
Email: michael.wheat@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE P. KEALOHA (1), and
LOUIS M. KEALOHA (2),

Defendants.

Case No. CR 18-0068-JMS-RLP

UNITED STATES' MOTION TO SEAL
SUPPLEMENTAL RESPONSE IN
OPPOSITION TO KATHERINE P.
KEALOHA'S SECOND MOTION TO
CONTINUE TRIAL

Comes now the UNITED STATES OF AMERICA, by and through its counsel, and seeks leave to file under seal its Supplemental Response In Opposition to Katherine P. Kealoha's Second Motion to Continue Trial and accompanying exhibits. The Second Motion to Continue Trial filed by Defendant Katherine Kealoha ("Defendant") was supported solely by a declaration and exhibits that

Defendant filed under seal, as they contained “confidential medical records and information.” ECF Doc. 89, at 2. Accordingly, to maintain the confidentiality of these records and information, the United States has responded to the sealed pleadings by way of a Supplemental Response that should also be filed under seal. *See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

Additionally, the United States’ Supplemental Opposition is based in part on investigative material that has been provided to discovery. To the extent such material is covered by the Protective Order Regarding Discovery, it should be filed under seal, subject to any later request to have the material publicly filed. *See* Case No. CR 17-0582-JMS-RLP, ECF Doc. 121 ¶ 10.

Finally, given the proximity of the trial date, the United States submits that it would be prudent for its Supplemental Response to be filed under seal in order to avoid unnecessary pretrial publicity.

Dated: October 18, 2018

JEFFERSON B. SESSIONS III
United States Attorney General

ADAM L. BRAVERMAN
United States Attorney

/s/Colin M. McDonald
MICHAEL G. WHEAT
ERIC J. BESTE
JANAKI S. GANDHI
COLIN M. MCDONALD
Special Attorneys to the Attorney General

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE P. KEALOHA (1), et al.,

Defendants.

Case No. CR 18-0068-JMS-RLP

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I, Colin M. McDonald, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893.

I am not a party to the above-entitled action. I have caused service of the foregoing on all parties in this case by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2018.

s/ Colin M. McDonald
COLIN M. MCDONALD